

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: BOY SCOUTS OF AMERICA and	:	Chapter 11
DELAWARE BSA, LLC,	:	Case No. 20-10343 (LSS)
	:	(Jointly Administered)
Debtors.	:	
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D.W.,	:	
	:	
Appellant,	:	
v.	:	Civ. No. 22-1121-RGA
	:	
BOY SCOUTS OF AMERICA and	:	
DELAWARE BSA, LLC,	:	
	:	
Appellees.	:	

ORDER

WHEREAS, D.W. was a prisoner at Richland Correctional Institution in Mansfield, Ohio when he commenced this bankruptcy appeal;

WHEREAS, on September 27, 2022, the Court was advised that D.W. would be released from prison effective November 3, 2022 (D.I. 20);

WHEREAS, D.W. made no filing fee payment prior to his release;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, 81 F. App'x 429 (3d Cir. 2003);

WHEREAS, on November 14, 2022, the Court issued an Order (D.I. 40) directing D.W., within thirty days, to either file a long form application to proceed without prepayment of fees and affidavit so that the Court may determine whether he is still eligible to proceed without prepayment of the \$298.00 filing fee **or** pay the filing fee owed;

WHEREAS, the Order further advised, “Failure to timely comply with this order shall result in dismissal of this case without prejudice”;

WHEREAS more than thirty (30) days have elapsed since the entry of the Order, and neither the filing fee nor a complete application to proceed without prepayment of fees has been received;

NOW THEREFORE, it is hereby **ORDERED** that the appeal is **DISMISSED** without prejudice.

Entered this 3rd day of January, 2023.

/s/ Richard G. Andrews
United States District Judge